Reg. No. KL/TV(N)/12

© Government of Kerala
1980

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Sunday, 29th June 1980 / 8th Ashadha 1902 [No. 430

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5019/LA4A/80. *Dated, Trivandrum, 29th June 1980.*

The Code of Criminal Procedure (Kerala Amendment) Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980.

33/2336/MC.

Sixth Kerala Legislative Assembly

Bill No. 23

THE CODE OF CRIMINAL PROCEDURE (KERALA AMENDMENT) BILL, 1980

A

BILL

to amend the Code of Criminal Procedure, 1973, *in its application to the State of Kerala.*

Preamble.—WHEREAS it is expedient to amend the Code of Criminal Procedure, 1973, in its application to the State of Kerala, for the purpose hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Kerala Amendment) Act, 1980.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Amendment of section* 317.—In section 317 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),—

(1) in sub-section (1), the words "or that the accused persistently disturbs the proceedings in Court" shall be omitted;

(2) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) At any stage of an inquiry or trial under this Code, if the Judge or Magistrate is satisfied, for reasons to be recorded, that the accused persistently disturbs the proceedings in Court, the Judge or Magistrate may, whether the accused is represented by a Pleader or not, dispense with his attendance and notwithstanding anything contained in any other provision of this Code, proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.".

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 317 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), empowers the Judge or Magistrate, in cases where the accused is represented by a pleader, to dispense with the personal attendance of the accused at any stage of an inquiry or trial if he is satisfied that the personal attendance of the accused before the court is not necessary in the interests of justice or that the accused persistently disturbs the porceedings in court and to proceed with such inquiry or trial in his absence. Instances of certain accused persons, who are not in favour of engaging pleaders to represent them in the inquiry or trial, persistently disturbing the proceedings of the court, have come to the notice of the Government. It is, therefore, considered necessary to amend the Code of Criminal Procedure, 1973, in its application to the State of Kerala, to enable the Judge or Magistrate to dispense with the attendance of the accused and to proceed with the inquiry or trial in his absence, whether he is represented by a pleader or not.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

T. K. RAMAKRISHNAN.